

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

MR. IVAN L. MENDEZ,	)	
	)	
Plaintiff,	)	4:09CV3219
	)	
v.	)	
	)	
IMMIGRATION AND NATURALIZATION)		MEMORANDUM AND ORDER
SERVICES QUARTERS,	)	
	)	
Defendant.	)	
	)	

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This matter is before the Court on plaintiff's notice of appeal (Filing No. 24). On December 15, 2009, the Court dismissed plaintiff's claims without prejudice and entered judgment against him (Filing Nos. 7 and 8.) Plaintiff appealed (Filing No. 9). On January 28, 2010, the Court permitted plaintiff to appeal in forma pauperis (Filing No. 13).

On May 15, 2010, the Eighth Circuit Court of Appeals dismissed plaintiff's appeal for failure to prosecute (Filing Nos. 22 and 23). Thereafter, plaintiff filed the notice of appeal currently before the Court (Filing No. 24).

Because the Court has already granted plaintiff leave to appeal IFP and because the Eighth Circuit has already dismissed plaintiff's appeal, plaintiff's notice of appeal is moot. The clerk of the court shall not process the appeal to the Court of Appeals.

IT IS ORDERED:

1. The Clerk of the court shall not process the appeal to the Court of Appeals.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 16th day of June, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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